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NICHOLAS A. PALAZZO; 4TA SPORTS, INC.;
6 NP VENTURES HOLDINGS, LLC; and
PLAY CALLER SPORTS GAMING LLC
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**
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11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.
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NICHOLAS A. PALAZZO, 4TA SPORTS,
15 INC., NP VENTURES HOLDINGS, LLC, and
PLAY CALLER SPORTS GAMING LLC,

16 Defendants.
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CASE NO. 5:24-cv-06602-EJD

**JOINT ADMINISTRATIVE MOTION TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

Action Filed:	September 20, 2024
Current Initial CMC:	January 16, 2025
CMC Time:	10:00 a.m.
Trial Date:	Not Yet Set

18 Pursuant to Civil Local Rules 6-1(b), 6-3, and 7-11, Plaintiff SECURITIES AND
19 EXCHANGE COMMISSION and Defendants NICHOLAS A. PALAZZO; 4TA SPORTS, INC.;
20 NP VENTURES HOLDINGS, LLC; and PLAY CALLER SPORTS GAMING LLC, hereby jointly
21 move the Court for an administrative order continuing the Case Management Conference (“CMC”)
22 currently set for January 16, 2025.

23 **ARGUMENT**

24 On September 20, 2024, the SEC filed the complaint in the above-captioned action (ECF
25 No. 1). On September 23, 2024, the Court entered an order setting the initial Case Management
26 Conference for January 8, 2025 (ECF No. 5), which the Court rescheduled for January 16, 2025
27 (ECF No. 15). On or about November 13, 2024, the parties stipulated to a briefing schedule
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1 providing that: Defendants shall answer the Complaint or file any motion seeking dismissal on or
 2 before February 7, 2025; Plaintiff shall file its opposition on or before February 28, 2025;
 3 Defendants shall file a reply in support of the Motion on or before March 14, 2025; with a hearing
 4 on the Motion noticed for April 17, 2025. (Silva Decl. ¶ 5; see ECF 20.)

5 This Court has discretion to continue the CMC under Fed. R. Civ. P. 16(b)(4). The Court
 6 has “wide discretion in controlling discovery.” *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.
 7 1988); *see also Arcell v. Google LLC*, No. 5:22-cv-02499-EJD, 2022 WL 16557600 (N.D. Cal.
 8 Oct. 31, 2022) (granting motion to stay discovery pending ruling on motion to dismiss). Courts in
 9 this district apply a two-part test to evaluate whether good cause exists to continue the CMC and
 10 stay discovery in light of a pending dispositive motion: (1) whether the motion will potentially
 11 dispose of the entire case, and (2) whether the court can decide the dispositive motion without
 12 further discovery. *See, e.g., Yamasaki v. Zicam LLC*, No. 21-cv-02596-HSG, 2021 WL 3675214,
 13 at *1 (N.D. Cal. Aug. 19, 2021); *Onuoha*, 2017 WL 11681325, at *1.

14 There is good cause here under both prongs. First, because Defendants’ motion to dismiss
 15 will seek dismissal of all claims against Defendants, it will dispose of the entire case if granted.
 16 Second, no discovery will be necessary to adjudicate the motion to dismiss since Defendants’ legal
 17 arguments will be based on the pleadings. (Silva Decl. ¶ 5.) As such, good cause exists to continue
 18 the CMC.

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1 For the reasons set forth above, Defendants respectfully request that this Court enter
2 Defendants' proposed order continuing the January 16, 2025 CMC and all corresponding discovery
3 deadlines. The Defendants request that if the Court determines that a CMC is necessary in light of
4 the motion to dismiss, the CMC be reset to April 17, 2025, or the date that the Court otherwise sets
5 for the hearing on the motion to dismiss. The SEC joins this administrative motion.

6 DATED: November 14, 2024

BUCHALTER
A Professional Corporation

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9 By: _____
DANIEL C. SILVA

10 Attorneys for Defendants
11 NICHOLAS A. PALAZZO; 4TA SPORTS,
12 INC.; NP VENTURES HOLDINGS, LLC; and
13 PLAY CALLER SPORTS GAMING LLC
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